

REMARKS

This is a Response to the Office Action dated October 21, 2005. Thirty (30) claims, including two (2) independent claims, were paid for in the application. In the present Amendment, three (3) claims are withdrawn, and one (1) claim is canceled. No new matter has been added to the application. The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Election/Restrictions

Applicants elected without traverse to prosecute the invention of Species I, figures 1-2 and 8-10. In view of the above election, Applicants hereby withdraw claims 4, 7, and 30 without prejudice, waiver, or disclaimer. Furthermore, Applicants' canceling of claims 4, 7, and 30 is not made in response to rejections or objections raised by the Examiner based upon cited art. Applicants take this action merely to reduce the number of disputed issues and to facilitate early allowance of the claims of the elected Species I. Applicants reserve the right to pursue the subject matter of these canceled claims 4, 7, and 30 in a continuing application, a divisional application, and/or a continuation-in-part application if Applicants so choose, and do not intend to dedicate any of the canceled subject matter to the public.

Drawings

In Office Action, the Drawings are objected to because the connecting cable (claim 17) was not shown in the drawings. This feature has been deleted from claim 17. Accordingly, Applicants respectfully request withdrawal of the objection to the Drawings.

Objections to the Abstract and Disclosure

The Abstract was objected to because it contained the phrase "The present invention" which was implied and should be deleted, and because in line 2, -- is -- should be

inserted after “apparatus.” The Abstract has been amended herein to overcome the Examiner’s objections.

The Disclosure was objected to because of the informalities, and because the specification failed to provided proper antecedent basis for the claimed subject matter. The Disclosure has been amended herein to overcome the Examiner’s objections. With respect to claim 1, “arcuate” has been inserted after “one” on page 2, line 21. Claim 3 has been amended according to the paragraph beginning at page 6, line 21. Regarding claim 5, the disclosure in claim 5 has been added beginning at page 7, between lines 5 and 6. In relation to claim 23 and 24, the disclosure in claim 23 and 24 have been added beginning at page 14, between lines 2 and 3. In terms of claim 28, “sliding” has been amended to “actuating.”

Accordingly, Applicants respectfully request withdrawal of the objections to the Abstract and Disclosure.

Examiner’s Suggestions to Claim Language and Claim Objections

Claims 1, 3, 10, 16, 17, 19, 20, and 28 have been amended to be in conformance the Examiner’s suggested amendment. In claim 13, line 2, -- portion -- has not been inserted after “guide” because of inserting “actuating” after “arcuate” in claim 1. Accordingly, Applicants respectfully request withdrawal of the claim objections.

35 U.S.C. §112 Second Paragraph Claim Rejections

Claims 1-3, 5-6, and 8-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. The Examiner rejected claim 1 mentioning that the phrase “at least by a arcuate guide” renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed. Applicant has amended claim 1 to insert “actuating” after “arcuate” and amended the paragraph beginning at page 2, line 19 to insert “arcuate” after “one.” Therefore, the phrase “at least by an arcuate actuating guide” is actually disclosed. Accordingly, Applicants respectfully request that the Section 112 rejection of claim 1 be withdrawn.

The Examiner rejected claim 2, 3, 5, and 6 contending that “a second actuating guide portion” and “the second actuating guide portion” is unclear because this appears to be the same element as the arcuate guide recited in claim 1. Applicant has amended claim 2 to clarify the arcuate actuating guide is a second actuating guide portion. Accordingly, Applicants respectfully request that the Section 112 rejection of claim 2 be withdrawn.

The Examiner rejected claim 3 contending that “projections” is a double recitation of the projections in claim 2. Applicant has amended claim 2 to insert “the” before “projections” in claim 3 for proper antecedent basis. In addition, the Examiner also rejected claim 3 contending that “insofar as at at least one predetermined position in respect of the spacing between the outer peripheral edge of the projections, the projections touch a part of the switch” is unclear and inaccurate because as seen in figures 1-2, for example, the projections 23 do not touch the switch 22 at a location between the projections. Applicant has amended claim 3 to change “insofar as at at least one predetermined position upon a rotary movement of the actuating shaft, the projections touch a part of the switch” according to the paragraph beginning at page 6, line 21. Accordingly, Applicants respectfully request that the Section 112 rejection of claim 3 be withdrawn.

The Examiner rejected claim 19, 20, 21, and 22 contending that “a cover hood” and “the cover hood” is unclear because this appears to be one and the same element as the housing. Applicant has amended claim 19 to clarify the housing includes a cover hood. Accordingly, Applicants respectfully request that the Section 112 rejection of claim 19, 20, 21, and 22 be withdrawn.

Applicant has amended claim 22 to delete “in particular” and respectfully requests that the Section 112 rejection of claim 22 be withdrawn.

The Examiner rejected claim 24 contending that “at least one rotor blade” and “the rotor blade” is unclear if this is the same rotor blade in claim 1. Applicant has amended claim 24 to insert “the” before “at” in order to clarify the rotor blade is the same rotor blade in claim 1. Accordingly, Applicants respectfully request that the Section 112 rejection of claim 24 be withdrawn.

In claim 28, Applicant has changed “sliding” to “actuating” to clarify the claim. Additionally, the Examiner rejected claim 28 and 29 contending that “a second actuating guide portion” and “the second actuating guide portion” is unclear because this appears to be the same element as the first actuating guide recited in claim 28. Applicant has amended claim 28 to clarify the actuator includes a first actuating guide portion and a second actuating guide portion. Accordingly, Applicants respectfully request that the Section 112 rejection of claim 28 and 29 be withdrawn.

Claim Rejections Under 35 U.S.C. § 102 and § 103

The Examiner indicated that claims 23-27 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. Applicant has amended claim 1 to correspond to a combination of the original claims 1 and 23 as on file and to overcome the rejections under 35 U.S.C. 112, 2nd paragraph. In addition, Applicant also has amend claim 28 such that it is directed to a wind power installation having a switching apparatus as described in previously presented claim 28. Furthermore, Applicant has amended the other claims such that they all relate to a wind power installation. Therefore, the amended claims 1 and 28 are allowable, although the Examiner rejected claims 1-3, 5-6, 8-22, 28, and 29 under 35 U.S.C. § 102 and § 103 as being unpatentable over Nelson 4,962,290, Foster 2,906,832, Kirby 6,794,770, Lewis 843,902 and Official Notice. In addition, Applicant respectfully requests that the Examiner withdraw the Section 102 and 103 rejections and allow dependent claims 2-3, 5-6, 8-22, and 29, which depend from an allowable base claims and which further recite distinguishing limitations. Accordingly, the Section 102 and 103 rejections with respect to claim 1-3, 5-6, 8-22, 28, and 29 should be withdrawn.

Conclusion

The cited references do not disclose, teach or suggest the claimed features recited in independent claims 1 and 28 and, thus, such claims 1 and 28 are allowable. Because the remaining claims depend from the allowable independent claims, claims 2-3, 5-6, 8-22, 24-27,

Application No. 10/729,821
Reply to Office Action dated October 21, 2005

and 29 are also allowable. All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

A handwritten signature in black ink, appearing to read "David V. Carlson", is written over a horizontal line.

David V. Carlson

Registration No. 31,153

DVC:lcs

Enclosure:

Postcard

701 Fifth Avenue, Suite 6300
Seattle, Washington 98104-7092
Phone: (206) 622-4900
Fax: (206) 682-6031

706949_1.DOC